

S.B. No. 673

AN ACT

SECTION 3. This Act takes effect September 1, 1987.

5/13/87 4/9/87

1 SECTION 4. The importance of this legislation and the
2 crowded condition of the calendars in both houses create an
3 emergency and an imperative public necessity that the
4 constitutional rule requiring bills to be read on three several
5 days in each house be suspended, and this rule is hereby suspended.

1 By: Montford S.B. No. 673
2 (In the Senate - Filed March 4, 1987; March 5, 1987, read
3 first time and referred to Committee on Natural Resources;
4 April 9, 1987, reported favorably by the following vote: Yeas 9,
5 Nays 0; April 9, 1987, sent to printer.)

6 COMMITTEE VOTE

	Yea	Nay	PNV	Absent
7 Santiesteban	x			
8 Montford	x			
9 Armbrister	x			
10 Brown	x			
11 Lyon				x
12 Sarpalius	x			
13 Sims	x			
14 Tejeda	x			
15 Uribe	x			
16 Whitmire				x
17 Zaffirini	x			

19 A BILL TO BE ENTITLED
20 AN ACT

21 relating to the authority to adopt certain rules by the Texas Water
22 Commission.

23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

24 SECTION 1. Chapter 11, Water Code, is amended by adding
25 Section 11.006 to read as follows:

26 Sec. 11.006. AUTHORITY TO ADOPT CERTAIN RULES. (a) To meet
27 the water requirements of the state, the commission may adopt rules
28 under this chapter to promote the conservation of water,
29 regionalization, and the protection of the environment.

30 (b) Rules adopted under this section may apply to the
31 issuance of permits under this chapter, the use of water held under
32 existing water rights, and any other activity regulated under this
33 chapter.

34 SECTION 2. Chapter 26, Water Code, is amended by adding
35 Section 26.0111 to read as follows:

36 Sec. 26.0111. AUTHORITY TO ADOPT CERTAIN RULES. (a) To
37 meet the water requirements of the state, the commission may adopt
38 rules under this chapter to promote the conservation of water,
39 regionalization, and the protection of the environment.

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41 of permits under this chapter, activities conducted under existing
42 permits, and any other activity regulated under this chapter.

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47 constitutional rule requiring bills to be read on three several
48 days in each house be suspended, and this rule is hereby suspended.

49 * * * * *

50 Austin, Texas
51 April 9, 1987

52 Hon. William P. Hobby
53 President of the Senate

54 Sir:

55 We, your Committee on Natural Resources to which was referred S.B.
56 No. 673, have had the same under consideration, and I am instructed
57 to report it back to the Senate with the recommendation that it do
58 pass and be printed.

59 Santiesteban, Chairman

SENATE FAVORABLE COMMITTEE REPORT

Lt. Governor William P. Hobby
President of the Senate

4/8 ⁹ 2pm
(date)/(time)

Sir:

We, your Committee on NATURAL RESOURCES to which was referred
SB 673 by Montford have on 4/8, 19 87, had the same
(measure) (sponsor) (hearing date)

under consideration and I am instructed to report it back with the recommendation (s) that it

- ☒ do pass and be printed
☐ do pass and be ordered not printed
☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

Senate Sponsor of House Measure Montford

The measure was reported from Committee by the following vote:

	YEA	NAY	PNV	ABSENT
Santiesteban, Chairman	<input checked="" type="checkbox"/>			
Montford, Vice Chairman	<input checked="" type="checkbox"/>			
Armbrister	<input checked="" type="checkbox"/>			
Brown	<input checked="" type="checkbox"/>			
Lyon				<input checked="" type="checkbox"/>
Sarpalius	<input checked="" type="checkbox"/>			
Sims	<input checked="" type="checkbox"/>			
Tejeda	<input checked="" type="checkbox"/>			
Uribe	<input checked="" type="checkbox"/>			
Whitmire				<input checked="" type="checkbox"/>
Zaffirini	<input checked="" type="checkbox"/>			
TOTAL VOTES	<u>9</u>	<u>0</u>	<u>0</u>	<u>2</u>

Jane Pulaski
COMMITTEE CLERK

[Signature]
CHAIRMAN

FILE

7087

BILL ANALYSIS

By: Montford

S.B. 673
Senate Committee
on Natural Resources

BACKGROUND:

Water legislation which has been enacted in Texas over the past few years has focused on conservation, regional distribution and treatment facilities, and protection of the environment. While the Water Commission has broad authority to protect and conserve the water resources in the state, it has been suggested that some disagreement exists regarding the application of that authority to existing permittees.

PURPOSE:

As proposed, S.B. 673 would allow the Water Commission to adopt uniform regulations to promote conservation, regionalization, and environmental protection of the state's water resources.

RULEMAKING AUTHORITY:

It is the committee's opinion that rulemaking authority is granted to the Texas Water Commission in Sections 1 and 2 of this bill.

SECTION BY SECTION ANALYSIS:

SECTION 1. Amends Chapter 11, Water Code, by adding Section 11.006 as follows:

Sec. 11.006. (a) Allows the Texas Water Commission (commission) to adopt rules under this chapter to promote the conservation of water in order to meet the water requirements of this state. (b) Provides for application of rules adopted under this section.

SECTION 2. Amends Chapter 26, Water Code, by adding Section 26.0111 as follows:

Sec. 26.0111. (a) Allows the commission to adopt rules under this chapter to promote the conservation of water in order to meet the water requirements of this state. (b) Provides for application of rules adopted under this section.

SECTION 3. Effective date, September 1, 1987.

SECTION 4. Emergency clause.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 16, 1987

TO: Honorable H. Tati Santiesteban, Chairman In Re: Senate Bill No. 673
Committee on Natural Resources By: Montford
Senate Chamber
Austin, Texas

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 673 (relating to adoption of certain rules by the Texas Water Commission) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would authorize the Water Commission to adopt rules to promote water conservation, regionalization and environmental protection for the activities regulated under Chapters 11 and 26 of the Water Code.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>	<u>Change in Number of State Employees from FY1987</u>
1988	\$175,637	+ 4.3
1989	146,152	+ 3.7
1990	146,152	+ 3.7
1991	146,152	+ 3.7
1992	146,152	+ 3.7

Similar annual costs would continue as long as the provisions of the bill are in effect.

Local units of government may be required to develop water conservation plans, to assess the environmental effects of existing projects and to make changes in wastewater treatment or water use.

Source: Water Commission;
LBB Staff: JO, HES, JWH, JG, LV

MAR 17 2 24 PM '87
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SECRETARY OF SENATE

26

May 13 1987 Engrossed
Patsy Spaw
Engrossing Clerk

MAY 13 PM 5:41
MAY 13 1987

I certify that the attached is a true and correct
copy of SB 673, which was
received from the Senate on MAY 14 1987 and
referred to the Committee on Natural Resources
Rex M. ...
Chief Clerk of the House

By: Montford

S.B. No. 673

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority to adopt certain rules by the Texas Water
3 Commission.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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6 Section 11.006 to read as follows:

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8 the water requirements of the state, the commission may adopt rules
9 under this chapter to promote the conservation of water,
10 regionalization, and the protection of the environment.

11 (b) Rules adopted under this section may apply to the
12 issuance of permits under this chapter, the use of water held under
13 existing water rights, and any other activity regulated under this
14 chapter.

15 SECTION 2. Chapter 26, Water Code, is amended by adding
16 Section 26.0111 to read as follows:

17 Sec. 26.0111. AUTHORITY TO ADOPT CERTAIN RULES. (a) To
18 meet the water requirements of the state, the commission may adopt
19 rules under this chapter to promote the conservation of water,
20 regionalization, and the protection of the environment.

21 (b) Rules adopted under this section may apply to issuance
22 of permits under this chapter, activities conducted under existing
23 permits, and any other activity regulated under this chapter.

24 SECTION 3. This Act takes effect September 1, 1987.

25 SECTION 4. The importance of this legislation and the

Q/c

S.B. No. 673

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2 emergency and an imperative public necessity that the
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LEGISLATIVE BUDGET BOARD

Austin, Texas

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Committee on Natural Resources By: Montford
Senate Chamber
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Source: Water Commission;
LBB Staff: JO, HES, JWH, JG, LV

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SECRETARY OF SENATE

HOUSE COMMITTEE REPORT

1st Printing

By Montford
(Johnson of Anderson)
Substitute the following for S.B. No. 673:

S.B. No. 673

By Holzheuser

C.S.S.B. No. 673

A BILL TO BE ENTITLED

AN ACT

relating to the authority to adopt certain rules by the Texas Water
Commission.

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existing water rights, and any other activity regulated under this
chapter.

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meet the water requirements of the state, the commission may adopt
rules under this chapter to promote the conservation of water,
regionalization, and the protection of the environment.

(b) Rules adopted under this section may apply to issuance
of permits under this chapter, activities conducted under existing
permits, and any other activity regulated under this chapter.

SECTION 3. The Guadalupe-Blanco River Authority Act, Acts,

1 1933, 43rd Legislature 1st Called Session, page 198, Chapter 75, as
2 amended, is amended by adding a new Section 2A, to read as follows:

3 Sec. 2A. On investigation, if the commission finds that a
4 natural obstruction in a river or stream within the boundaries or
5 service area of a river authority caused by the accumulation of
6 limbs, logs, leaves, other tree parts, or other debris or materials
7 is creating a hazard or is having any other detrimental effect on
8 the stream or its uses, the commission by resolution may request
9 the river authority to remove the obstruction.

10 (a) On receiving a request from the commission, the river
11 authority shall obtain promptly, by agreement or through the
12 exercise of the power of eminent domain, easements and
13 rights-of-way that are necessary or desirable to carry out removal.

14 (b) If the river authority does not have the authority to
15 exercise the power of eminent domain for this purpose, the river
16 authority may exercise the power of eminent domain to the extent
17 necessary to carry out the purposes of this section. The river
18 authority shall exercise the power of eminent domain in the manner
19 provided by and subject to Chapter 21, Property Code, and Section
20 54.213, Water Code.

21 (c) The river authority shall begin promptly to remove the
22 obstruction on obtaining the easements and rights-of-way and shall
23 continue to remove the obstruction in a diligent manner until
24 removal, including disposition of materials removed and restoration
25 of the site, is completed.

26 (d) The river authority may enter into contracts for removal
27 of the obstruction.

1 SECTION 4. This Act takes effect September 1, 1987.

2 SECTION 5. The importance of this legislation and the
3 crowded condition of the calendars in both houses create an
4 emergency and an imperative public necessity that the
5 constitutional rule requiring bills to be read on three several
6 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

May 25, 1987
(date)

Sir:

We, your COMMITTEE ON NATURAL RESOURCES,

to whom was referred SB 673 have had the same under consideration and beg to report
(measure)
back with the recommendation that it

() do pass, without amendment.

() do pass, with amendment(s).

(X) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (X) yes () no

An actuarial analysis was requested. () yes (X) no

An author's fiscal statement was requested. () yes (X) no

The Committee recommends that this measure be placed on the ~~(Local)~~ ~~(Consent)~~ Calendar.

This measure () proposes new law. (X) amends existing law.

House Sponsor of Senate Measure C. Johnson

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Smith, T., Ch.	X			
Harris, J., V.C.		X		
Johnson, C., C.B.O.	X			
Hammond	X			
Holzheuser	X			
Russell				X
Shelley		X		
Toomey	X			
Yost		X		

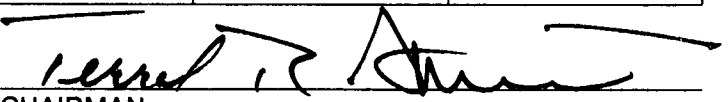

Total

5 aye

3 nay

0 present, not voting

1 absent


CHAIRMAN

COMMITTEE COORDINATOR

SB 673
By: Montford

Committee on
Natural Resources

BILL ANALYSIS

Background

It is believed that the Texas Water Commission should be granted rulemaking authority under Chapters 11 and 26 of the Water Code.

Purpose of the Bill

This bill would grant rulemaking authority to the Texas Water Commission under Chapters 11 and 26 of the Water Code.

Section by Section Analysis

SECTION 1. Amends Chapter 11, Water Code, by adding Section 11.006, which provides for rulemaking authority under this chapter.

SECTION 2. Amends Chapter 26, Water Code, by adding Section 26.0111 to provide for rulemaking authority under this chapter.

SECTION 3. Amends the Guadalupe-Blanco River Authority Act to provide that the Guadalupe-Blanco River Authority is required to remove certain natural obstructions if requested to do so by the Texas Water Commission. Provides for the exercise of eminent domain by the authority, and contracting authority.

SECTION 4. Effective date is September 1, 1987.

SECTION 5. Emergency clause.

Rulemaking Authority

This bill specifically grants rulemaking authority to the Texas Water Commission under Chapters 11 and 26 of the Water Code.

Summary of Committee Action

Pursuant to a suspension of the five day posting rule, a public hearing was held on May 20, 1987.

On May 25, 1987, the the full committee voted to report SB 673 to the House as substituted with a recommendation that it do pass by a record vote of 5 ayes, 3 nays and zero present, not voting.

The following persons testified on SB 673:

Ed Howard, Legislative Consultant, representing Sabine River Authority, San Jacinto River Authority, and Col. River Municipal Water District

Rayford Price, Attorney, representing
Sabine River Authority, San Jacinto River Authority, and Upper
Colorado Municipal Utility District

Ken Kramer, Consultant
Sierra Club

Comparison of the Original Bill to the Substitute

The substitute bill adds the language regarding the removal of
natural obstructions by the Guadalupe-Blanco River Authority.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 27, 1987

TO: Honorable Terral Smith, Chair
Committee on Natural Resources
House of Representatives
Austin, Texas

In Re: House Committee Substitute for
Senate Bill No. 673

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Committee Substitute for Senate Bill No. 673 (relating to the authority to adopt certain rules by the Texas Water Commission) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would authorize the Water Commission to adopt rules to promote water conservation, regionalization and environmental protection for the activities regulated under Chapters 11 and 26 of the Water Code.

The bill requires the Guadalupe-Blanco River Authority to remove logjams upon request of the Water Commission.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

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Source: Water Commission;
LBB Staff: JO, HES, JWH, JG, AF

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 20, 1987

TO: Honorable Terral Smith, Chair
Committee on Natural Resources
House of Representatives
Austin, Texas

In Re: Senate Bill No. 673,
as engrossed
By: Montford

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 673, as engrossed (relating to the authority to adopt certain rules by the Texas Water Commission) this office has determined the following:

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LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

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Committee on Natural Resources By: Montford
Senate Chamber
Austin, Texas

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Source: Water Commission;
LBB Staff: JO, HES, JWH, JG, LV

MAR 17 2 24 PM '87
RECEIVED
SECRETARY OF SENATE

6

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____,
_____, _____, and _____.

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by: _____

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

NR